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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,284	01/14/2002	Horst Udo Petersen	630-24US	5432

23716 7590 06/03/2003

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EXAMINER

COZART, JERMIE E

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 06/03/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,284

Applicant(s)

PETERSEN, HORST UDO

Examiner

Jermie Cozart

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8, 9 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/518,207.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the seatframe-piece comprising two metal tubes must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: It is suggested to number all the pages of the specification consecutively. In addition there is no brief description of Figures 11-25 in the specification. On page 17, line 13, it is suggested to change "14" to - -14a- -. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 7 recites the limitation "the second shoulder" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4, 7, 10, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudash et al. in view of Leicht.

Dudash (at column 4, lines 1-15 and Figures 7-8) discloses all of the claimed subject matter except for providing a die-set, which includes an upper punch and a lower punch, and arranging the subassembly in the die set, with the headrest-tube vertical; pressing the headrest-tube vertically, in the die set, with a lower-tube-collapsing force; pressing the headrest-tube vertically with a tube-coining force; applying the tube-coining-force between the upper and lower shoulders, wherein the tube-coining-force is of sufficient magnitude to coin the upper and lower shoulders together; arranging the upper punch and lower punch to apply the lower-tube-collapsing-force to the headrest-tube between the lower end-abutment and the upper shoulder; arranging the upper punch and lower punch to apply the tube-coining-force to the headrest tube between the upper-shoulder and the lower-shoulder; or arranging the die set so as to form the upper and lower shoulders simultaneously.

Leicht discloses providing a die-set (56, 76), which includes an upper punch (68, 60) and a lower punch, and arranging a subassembly (12, 12a, 16) in the die set, with the tube (16) oriented vertical, pressing the tube (16) vertically, in the die set, with a

lower-tube-collapsing force. Leicht discloses pressing the tube (16) vertically with a tube-coining force, applying the tube-coining-force between the upper and lower shoulders (36, 38), wherein the tube-coining-force is of sufficient magnitude to coin the upper and lower shoulders together. Leicht also discloses arranging the upper punch and lower punch (68, 60) to apply the lower-tube-collapsing-force to the tube (16) between a lower end-abutment (not labeled) and the upper shoulder (36), arranging the upper punch and lower punch (68, 60) to apply the tube-coining-force to the tube (16) between the upper-shoulder and the lower-shoulder (36, 38). Finally Leicht discloses arranging the die set (56, 76) so as to form the upper and lower shoulders (36, 38) simultaneously. *See column 3, line 1-column 5, line 12, and Figures 4-7 for further clarification.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a die-set for the assembling the subassembly (*e.g. the headrest-tube and seatframe-piece*) of Dudash, wherein the die-set includes an upper punch and a lower punch, to arrange the subassembly in the die set, with the headrest-tube vertical, to press the headrest-tube vertically, in the die set, with a lower-tube-collapsing force, to press the headrest-tube vertically with a tube-coining force, to apply the tube-coining-force between the upper and lower shoulders, wherein the tube-coining-force is of sufficient magnitude to coin the upper and lower shoulders together, to arrange the upper punch and lower punch to apply the lower-tube-collapsing-force to the headrest-tube between the lower end-abutment and the upper shoulder, to arrange the upper punch and lower punch to apply the tube-coining-force to the headrest tube

between the upper-shoulder and the lower-shoulder, and to arrange the die set so as to form the upper and lower shoulders simultaneously, in light of the teachings of Leicht, in order to join a pair of parts and prevent rotation of the parts with respect to one another.

Allowable Subject Matter

8. Claims 5, 6, 8, 9, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

References Cited

9. The references cited on the attached PTO-892 are cited to show over-edge assembling of seated parts in contact with one another.

Conclusion

10. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

11. If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to CustomerService3700@uspto.gov.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 703-305-0126. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich can be reached on 703-308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.


Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Petitions/Special Programs	(703) 305-9285
Terminal Disclaimers	(703) 305-8408
PCT Help Desk	(703) 305-3257

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

Information Help line	1-800-786-9199
Internet PTO-Home Page	http://www.uspto.gov

JC 
May 29, 2003


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